

TAB

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11 April 1956

MEMORANDUM FOR RECORD

SUBJECT: Transfer of Control of Langley Property

1. Presently, the Bureau of Public Roads has indicated its complete willingness to release to CIA 140 acres of its Langley tract as a building site; the National Park Service has indicated its willingness in principle to release the access road running through the site.
2. Transfer of control would probably proceed under the Federal Property and Administrative Services Act of 1949, which gives the Administrator of General Services authority to transfer to one Government agency property declared excess by another.
3. Judge Knox (General Counsel of National Park Service) raised a question whether the transfer of the NPS parcel could proceed under this Act, which by its terms does not apply to land "reserved or dedicated for national forest or national park purposes." In seeking an answer to this question, I consulted with Joseph Moody (Assistant General Counsel, PBS) who referred me to Jack Hurley of his Staff, who handles excess and surplus property matters. Hurley sees no difficulty in transferring the Bureau of Public Roads property. He will call me re the National Park Service property; he agreed with me that an argument could be made that the particular parcel we desire has never been "dedicated for national forest or national park purposes." If the property cannot be transferred under this Act, the only other available authority seems to be 40 USCA 341.
4. Moody suggested that there might be merit in transferring control of the Langley property to GSA, rather than to CIA, "since PBS is constructing the building and will operate it." I evaded a direct response, stating that our present inquiries were for information only and that we did not wish to initiate any transfer yet.
5. Discussed below are certain factors for consideration if:
 - (a) We pursue our investigations further re transfer, or
 - (b) We do not.

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6. If further inquiries are made of PBS on the subject of transfer, I believe they will recommend transfer of the Langley tract to GSA. If the transfer of the NPS land must be under 40 USCA 341, I believe they can successfully maintain that the authority there granted permits transfers of control of Government lands only to GSA.

7. If CIA wishes GSA to control, operate and maintain the completed building, it makes little difference who controls the land. If CIA wishes to control, operate and maintain its own building, it is probably essential that CIA acquire control of the land. If GSA controls the land, and CIA later wishes to control the building, GSA may raise at least these arguments contra:

- (a) GSA supervised construction;
- (b) GSA controls the land, (especially telling if the transfer is under 40 USCA 341, since it was the Administrator's reliance on this law as construction authority that we "defeated" by our memorandum of law);
- (c) GSA control of buildings is the norm; CIA silence is acquiescence, and in reliance thereon GSA has budgeted for operation and maintenance, etc.; CIA is now "estopped" to press its claims for control.

8. In summary, then, if further inquiries are made re transfer, the question of control, operation and maintenance of the completed building will be raised, and CIA must be prepared to state, at least, that it is considering its own control, etc. and to argue for that mode of transfer which will leave the door open.

9. Suspension of inquiries would remove this question for the present but would present its own difficulties.

10. We must make a presentation to the NKPC and one to the Congress, in either or both of which we will likely be subjected to inquiries about the availability of the Langley tract. We do not presently have a satisfactory answer in terms of legal availability.

11. If no other authority exists (or if 40 USCA 341 is the only available authority) we may wish to ask the Congress for an enabling act to transfer control of the Langley tract. It seems preferable to do this at the same presentation, rather than subsequently.

12. **RECOMMENDATION:** That we proceed with inquiries re transfer, to the point of actually effecting it (which involves a willingness

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to indicate that we are considering self-operation of the CIA building)
or
That we suspend inquiries re transfer (with awareness that this may result in eventual delay and embarrassment).

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[Redacted]
Assistant General Counsel

Attachment

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